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J. G. BOURWINE, COUNSEL

United States Senate

COMMITTEE ON THE JUDICIARY

September 21, 1950

Honorable Walter L. Pforzheimer
CIA
2430 E Street, N. W.
Washington, D. C.

Dear Walter:

I appreciate your recent communication commenting upon my position in voting against the McCarran Bill in the Senate and I am very grateful for your encouraging expressions. I know that my vote was not popular.

I co-sponsored and voted for the Kilgore bill, S. 4031, which contained the recommendations of the President to strengthen the laws against sabotage and espionage and also provided for the internment of saboteurs, dangerous Communists and 5th Columnists in the event of war, invasion or grave national security. I think the Government needs these safeguards at the present time. I could not, however, go along with the registration part as presently written because I think it is unworkable and would defeat the purpose of better security. This latter opinion is based upon the statements and belief of J. Edgar Hoover and the FBI.

Many sections of the bill undoubtedly violate the individual and Constitutional liberties of innocent citizens and we cannot win this present conflict with Communism by ourselves adopting totalitarian methods.

I filed on my own a separate bill (S. 4163- a copy of which is enclosed), which includes all the above provisions and goes further to declare an automatic internal security emergency when our Armed Forces are fighting for the United Nations, as they now are. Additionally, in such situations, all our law applicable to war-time treason, sabotage and espionage would come immediately into effect. I hope you will read my Anti-Communist bill and other enclosures. It is my firm conviction that a great majority of those whom I represent will eventually approve of my action once the real, underlying issues are understood by all.

Sincerely yours,



Enclosures:
S. 4163
Covering Speech
Editorial Comments

81ST CONGRESS
2D SESSION

S. 4163

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, JULY 20), 1950

Mr. KEFAUVER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SHORT TITLE

4 That this Act may be cited as "Internal Security and
5 Emergency Detention Act of 1950".

6 FINDINGS OF FACT AND DECLARATION OF PURPOSE

7 SEC. 1. The Congress hereby finds that—

8 (1) There exists a world Communist movement which
9 in its origins, its development, and its present practice, is
10 a world-wide revolutionary political movement whose pur-

1 pose it is, by treachery, deceit, infiltration into other groups
2 (governmental and otherwise), espionage, sabotage, terror-
3 ism, and any other means deemed necessary, to establish a
4 Communist totalitarian dictatorship in all the countries of
5 the world through the medium of a single world-wide Com-
6 munist political organization.

7 (2) The establishment of a totalitarian dictatorship in
8 any country results in the ruthless suppression of all oppo-
9 sition to the party in power, the complete subordination of
10 the rights of individuals to the state, the denial of funda-
11 mental rights and liberties which are characteristic of a
12 representative form of government, such as freedom of
13 speech, of the press, of assembly, and of religious worship,
14 and results in the maintenance of control over the people
15 through fear, terrorism, and brutality.

16 (3) The system of government known as a totalitarian
17 dictatorship is characterized by the existence of a single
18 political party, organized on a dictatorial basis, and by an
19 identity between such party and its policies and the govern-
20 ment and governmental policies of the country in which it
21 exists, such identity being so close that the party and the
22 government itself are for all practical purposes indis-
23 tinguishable.

24 (4) The direction and control of the world Communist

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1 movement is vested in and exercised by the Communist
2 dictatorship of a foreign country.

3 (5) The Communist dictatorship of such foreign coun-
4 try, in exercising such direction and control and in furthering
5 the purposes of the world Communist movement, establishes
6 or causes the establishment of, and utilizes, in various coun-
7 tries, including the United States, political organizations
8 which are acknowledged by such Communist dictatorship
9 as being constituent elements of the world Communist move-
10 ment; and such political organizations are not free and in-
11 dependent organizations, but are mere sections of a single
12 world-wide Communist organization and are controlled,
13 directed, and subject to the discipline of the Communist
14 dictatorship of such foreign country.

15 (6) The political organizations so established and
16 utilized in various countries, acting under such control, di-
17 rection, and discipline, endeavor to carry out the objectives
18 of the world Communist movement by bringing about the
19 overthrow of existing governments and setting up Communist
20 totalitarian dictatorships which will be subservient to the
21 most powerful existing Communist totalitarian dictatorship.
22 Although such Communist political organizations usually
23 designate themselves as political parties, they are in fact
24 constituent elements of the world-wide Communist movement

1 and promote the objectives of such movement by conspira-
2 torial and coercive tactics, and especially by the use of
3 espionage and sabotage, instead of through the freedom-
4 preserving means employed by a political party which op-
5 erates as an agency by which people govern themselves.

6 (7) In the United States those individuals who know-
7 ingly and willfully participate in the world Communist
8 movement, when they so participate, in effect repudiate their
9 allegiance to the United States and in effect transfer their
10 allegiance to the foreign country in which is vested the
11 direction and control of the world Communist movement;
12 and, in countries other than the United States, those in-
13 dividuals who knowingly and willfully participate in such
14 Communist movement similarly repudiate their allegiance to
15 the countries of which they are nationals in favor of such
16 foreign Communist country.

17 (8) In pursuance of communism's stated objectives,
18 the most powerful existing Communist dictatorship has, by
19 the traditional Communist methods referred to above, and in
20 accordance with carefully conceived plans, already caused
21 the establishment in numerous foreign countries, against
22 the will of the people of those countries, of ruthless Com-
23 munist totalitarian dictatorships, and threatens to establish
24 similar dictatorships in still other countries.

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1 (9) The agents of communism have devised clever and
2 ruthless espionage and sabotage tactics which are carried
3 out in many instances in form or manner successfully evasive
4 of existing law, and which in this country are directed against
5 the safety and peace of the United States.

6 (10) The recent successes of Communist methods in
7 other countries and the nature and control of the world
8 Communist movement itself present a clear and present
9 danger to the security of the United States and to the
10 existence of free American institutions, and make it necessary
11 that Congress, in order to provide for the common defense,
12 to preserve the sovereignty of the United States as an
13 independent Nation, and to guarantee to each State a
14 republican form of government, enact appropriate legislation
15 recognizing the existence of such world-wide conspiracy and
16 designed to prevent it from accomplishing its purpose in the
17 United States.

18 (11) The experience of many countries in World War
19 II and thereafter with so-called "fifth columns" which em-
20 ployed espionage and sabotage to weaken the internal
21 security and defense of nations resisting totalitarian dictator-
22 ships demonstrated the grave dangers and fatal effectiveness
23 of such internal espionage and sabotage.

24 (12) The security and safety of the territory and Con-

1 stitution of the United States, and the successful prosecution
2 of the common defense, especially in time of invasion, immin-
3 ent invasion, war, insurrection in aid of a foreign enemy
4 or other extreme emergency, require every reasonable and
5 lawful protection against espionage, and against sabotage to
6 national-defense material, premises, forces and utilities, in-
7 cluding related facilities for mining, manufacturing, trans-
8 portation, research, training, military and civilian supply,
9 and other activities essential to national defense.

10 (13) Due to the wide distribution and complex inter-
11 relation of facilities which are essential to national defense
12 and due to the increased effectiveness and technical develop-
13 ment in espionage and sabotage activities, the free and
14 unrestrained movement in such emergencies of members or
15 agents of such organizations and of others associated in their
16 espionage and sabotage operations would make adequate
17 surveillance to prevent espionage and sabotage impossible
18 and would therefore constitute a clear and present danger
19 to the public peace and the safety of the United States.

20 (14) The detention of persons who there is reasonable
21 ground to believe may commit or conspire with others to
22 commit espionage or sabotage is, in such a time of emer-
23 gency, essential to the common defense and to the safety
24 and security of the territory, the people, and the Constitution
25 of the United States.

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1 (15) It is also essential that such detention in an
2 emergency involving the internal security of the Nation shall
3 be so authorized, executed, restricted, and reviewed as to
4 prevent any interference with the constitutional rights and
5 privileges of any persons, and at the same time shall be
6 sufficiently effective to permit the performance by the Con-
7 gress and the President of their constitutional duties to
8 provide for the common defense, to wage war, and to pre-
9 serve, protect, and defend the Constitution, the Government,
10 and the people of the United States.

11 DECLARATION OF "INTERNAL SECURITY EMERGENCY"

12 SEC. 2. (a) In the event of any one of the following:

13 (1) Invasion of the territory of the United States
14 or its possessions, or

15 (2) Declaration of war by Congress, or

16 (3) Insurrection within the United States in aid
17 of a foreign enemy, or

18 (4) Whenever the Armed Forces of the United
19 States are engaged in hostilities in behalf of the United
20 Nations organization, and there shall be a declaration
21 of an "internal security emergency" by concurrent reso-
22 lution of the Congress,

23 and if, in addition to one or more of the above, the Presi-
24 dent shall find that the proclamation of such an emergency
25 is essential to the preservation, protection, and defense of

1 the Constitution, and to the common defense and safety of
2 the territory and people of the United States, the President
3 is authorized to make public proclamation of the existence
4 of an "internal security emergency".

5 (b) Whenever it is determined by the United Nations
6 Organization or by the Security Council of the United Nations
7 Organization that a nation or nations are guilty of unpro-
8 voked aggression in violation of the Charter of the said
9 United Nations Organization, and the Armed Forces of the
10 United States are engaged in hostilities in behalf of the
11 United Nations Organization, in that event such unprovoked
12 aggression shall be considered, for the purposes of this Act,
13 as levying war against the United States or adhering to
14 their enemies, giving them aid and comfort.

15 (c) A state of "internal security emergency" (herein-
16 after referred to as the "emergency") so declared shall con-
17 tinue in existence until terminated by proclamation of the
18 President or by concurrent resolution of the Congress.

19 DETENTION DURING EMERGENCY

20 SEC. 3. (a) Whenever there shall be in existence such
21 an emergency, the President, acting through the Attorney
22 General, is hereby authorized to apprehend and by order
23 detain, pursuant to warrants or orders issued under section 4,
24 each person as to whom there is reasonable ground to be-

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1 believe that such person may engage in, or may conspire with
2 others to engage in, acts of espionage or of sabotage.

3 (b) Any person detained hereunder (hereinafter re-
4 ferred to as "the detainee") shall be released from such
5 emergency detention upon—

6 (1) the termination of such emergency by pro-
7 clamation of the President or by concurrent resolution
8 of the Congress;

9 (2) an order of release issued by the Attorney
10 General;

11 (3) a final order of release after hearing by the
12 Detention Review Board, hereinafter established;

13 (4) a final order of release after hearing by a
14 United States court after review of the action of the
15 Detention Review Board, or upon a writ of habeas
16 corpus.

17 PROCEDURE FOR APPREHENSION AND DETENTION

18 SEC. 4. (a) The Attorney General, or such officer or
19 officers of the Department of Justice as he may from time
20 to time designate, are authorized during such emergency to
21 execute in writing and to issue—

22 (1) a warrant for the apprehension of each person
23 as to whom there is reasonable ground to believe that

1 such person may engage in, or may conspire with others
2 to engage in, acts of espionage or sabotage; and

3 (2) an order for the detention of such person for
4 the duration of such emergency.

5 Each such warrant shall issue only upon probable cause,
6 supported by oath or affirmation, and shall particularly
7 describe the person to be apprehended or detained.

8 (b) Warrants for the apprehension of persons ordered
9 detained under this Act shall be served, apprehension of such
10 persons shall be made, and orders for the detention of such
11 persons shall be executed only by such duly authorized
12 officers of the Department of Justice as the Attorney General
13 may designate. A copy of the warrant for apprehension
14 and a copy of the order for detention shall be furnished to
15 any person apprehended under this Act at the request of
16 such person.

17 (c) Persons apprehended under this Act shall be con-
18 fined in such places of detention as may be prescribed by
19 the Attorney General. The Attorney General shall provide
20 for all detainees such transportation, food, shelter, and other
21 accommodation and supervision as in his judgment may be
22 necessary to accomplish the purpose of this Act.

23 (d) Within forty-eight hours after apprehension, or as
24 soon thereafter as provision for it may be made, each detainee
25 shall be accorded a preliminary hearing before a preliminary
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1 hearing officer appointed pursuant to the applicable pro-
2 visions of the Administrative Procedure Act. At such hear-
3 ing the detainee shall have the right to be advised of his
4 legal rights and of the identity of his accuser or the informant
5 against him if any and of the grounds on which his detention
6 was ordered; and to question or cross-question any witnesses
7 against him. The hearing officer shall record any information
8 offered or objections made by such detainee, shall receive
9 any additional written evidence or representations such de-
10 tainee may wish to file with the Attorney General within
11 seven days after the preliminary hearing, and shall prepare
12 and transmit to the Attorney General, or such other officer
13 as may be designated by him, and serve on the detainee, a
14 report which shall set forth the result of such preliminary
15 hearing, together with his recommendations with respect
16 to the question whether the order for the detention of such
17 person shall be continued in effect or revoked. Preliminary
18 hearings officers may be appointed at such places and in
19 such numbers as the Attorney General deems necessary for
20 the expeditious consideration of detainees' cases.

21 (e) The Attorney General, or such other officers of
22 the Department of Justice as he may designate, shall upon
23 request of any detainee from time to time receive such
24 additional information bearing upon the grounds for the
25 detention as the detainee or any other person may present

1 in writing. If on the basis of such additional information
2 received by the Attorney General or transmitted to him by
3 such officers, he shall find there is no longer reasonable
4 ground to believe that the detainee may engage in, or may
5 conspire with others to engage in, acts of espionage or
6 sabotage if released, the Attorney General is authorized to
7 issue an order revoking the initial order or any final Board
8 or court order of detention and to release such detainee.
9 The Attorney General is also authorized to modify the
10 order under which any detainee is detained and apply to such
11 detainee such lesser restrictions in movement and activity as
12 the Attorney General shall determine will serve the purposes
13 of this Act.

14 (f) In case of Board or court review of any detention
15 order, the Attorney General, or such review officers as he
16 may designate, shall present to the Board, the court, and
17 the detainee to the fullest extent possible consistent with
18 national security, the evidence supporting his finding of
19 reasonable ground in respect to the detainee, but he shall
20 not be required to offer or present evidence of any agents
21 or officers of the Government the revelation of which in his
22 judgment would be dangerous to the security and safety of
23 the United States.

24 (g) The Attorney General is authorized to prescribe
25 such regulations, not inconsistent with the provisions of this

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1 Act, as he shall deem necessary to promote the effective
2 administration of this Act.

3 (h) Whenever there shall be in existence an emergency
4 within the meaning of this Act, the Attorney General shall
5 transmit bimonthly to the President and to the Congress a
6 report of all action taken pursuant to the powers granted
7 in this Act.

8 **DETENTION REVIEW BOARD**

9 SEC. 5. (a) The President is hereby authorized to
10 establish a Detention Review Board (referred to in this Act
11 as the "Board") which shall consist of nine members, not
12 more than five of whom shall be members of the same
13 political party, appointed by the President by and with
14 the advice and consent of the Senate. Of the original mem-
15 bers of the Board, three shall be appointed for terms of one
16 year each, three for terms of two years each, and three for
17 terms of three years each, but their successors shall be ap-
18 pointed for terms of three years each, subject to termination
19 of the term upon expiration of this Act, except that any
20 individual chosen to fill a vacancy shall be appointed only
21 for the unexpired term of the member whom he shall succeed.
22 The President shall designate one member to serve as Chair-
23 man of the Board. Any member of the Board may be
24 removed by the President, upon notice and hearing, for

1 neglect of duty or for malfeasance in office, but for no other
2 cause.

3 (b) The Board is authorized to establish divisions
4 thereof, each of which shall consist of not less than three
5 of the members of the Board. Each such division may be
6 delegated any or all of the powers which the Board may
7 exercise. A vacancy in the Board shall not impair the
8 right of the remaining members to exercise all of the powers
9 of the Board, and five members of the Board shall at all
10 times constitute a quorum of the Board, except that two
11 members shall constitute a quorum of any division estab-
12 lished pursuant to this subsection. The Board shall have
13 an official seal which shall be judicially noticed.

14 (c) At the close of each fiscal year the Board shall
15 make a report in writing to the Congress and to the Presi-
16 dent stating in detail the cases it has heard, the decisions
17 it has rendered, the names, salaries, and duties of all em-
18 ployees and officers in the employ or under the supervision
19 of the Board, and an account of all moneys it has disbursed.

20 (d) In the event of a proclamation by the President
21 or a concurrent resolution of the Congress terminating the
22 existence of a state of emergency, and after the release of
23 all detainees and the conclusion of all pending matters before
24 the Board of all pending appeals in the courts from orders
25 of the Board, the President shall dissolve and terminate
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1 the Board and all of its authority, powers, functions, and
2 duties. Such termination shall not preclude the subsequent
3 establishment by the President, pursuant to this Act, of
4 another Board with all of the rights, authority, and duties
5 prescribed by this Act, in the event that he shall proclaim
6 another emergency or shall determine that the proclamation
7 of such an emergency may soon be essential to the national
8 security.

9 SEC. 6. (a) Each member of the Board shall receive
10 a salary of \$12,000 a year, shall be eligible for reappoint-
11 ment, and shall not engage in any other business, vocation,
12 or employment. The Board shall appoint an executive
13 secretary, and such attorneys and other employees as it
14 may from time to time find necessary for the proper per-
15 formance of its duties. The Board may establish or utilize
16 such regional, local, or other agencies, and utilize such
17 voluntary and uncompensated services, as may from time to
18 time be needed.

19 (b) All of the expenses of the Board, including all
20 necessary traveling and subsistence expenses outside the
21 District of Columbia incurred by the members or employees
22 of the Board under its orders, shall be paid out of appropria-
23 tions made therefor, and there are hereby authorized to be
24 appropriated, out of any funds in the Treasury not other-

1 wise appropriated, such sums as may be necessary for that
2 purpose.

3 SEC. 7. The principal office of the Board shall be in
4 the District of Columbia, but it may meet and exercise any
5 or all of its powers at any other place. The Board may
6 conduct any hearing necessary to its functions in any part
7 of the United States.

8 SEC. 8. The Board shall have authority from time to
9 time to make, amend, and rescind, in the manner prescribed
10 by the Administrative Procedure Act, such rules and regu-
11 lations as may be necessary to carry out the provisions of
12 this Act. All procedures of the Board shall be subject to
13 the applicable provisions of the Administrative Procedure
14 Act.

15 SEC. 9. (a) Any Board created under this Act is em-
16 powered—

17 (1) to review upon petition of any detainee any
18 order of detention issued by the Attorney General;

19 (2) to determine whether there is reasonable
20 ground to believe that such detainee might engage in,
21 or conspire with others to engage in, espionage or
22 sabotage;

23 (3) to issue orders confirming, modifying, or re-
24 voking any such order of detention; and

25 (4) to hear and determine any claim made by any

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1 detainee pursuant to this paragraph for indemnification
2 for loss of income by such detainee resulting from detention
3 pursuant to this Act without reasonable grounds,
4 as shown by the issuance of a final order of the Board
5 or of a court revoking such detention order. Upon the
6 issuance of any final order for indemnification pursuant
7 to this paragraph, the Attorney General is authorized
8 and directed to make payment of such indemnity to
9 the person entitled thereto from such funds as may be
10 appropriated to him for such purpose.

11 (b) Whenever a petition for review of an order for
12 detention issued by the Attorney General or for indemnification
13 pursuant to the preceding subsection shall have been
14 filed with the Board by any detainee or any person who has
15 been a detainee, in accordance with such regulations as may
16 be prescribed by the Board, the Board shall provide for an
17 appropriate hearing upon due notice to the detainee and
18 the Attorney General at a place therein fixed, not less than
19 fifteen days after the serving of said notice and not more
20 than forty-five days after the filing of such petition.

21 (c) In any case arising from a petition for review of
22 an order for detention issued by the Attorney General, the
23 Board shall require the Attorney General to inform such
24 detainee of grounds on which his detention was instituted,

1 and to furnish to him as full particulars of the evidence as
2 possible, including the identity of informants, subject to the
3 limitation that the Attorney General may not be required
4 to furnish information the revelation of which would dis-
5 close the identity or first-person evidence of Government
6 agents or officers which he believes it would be dangerous to
7 national safety and security to divulge.

8 (d) (1) Any member of the Board shall have the
9 power to issue subpoenas requiring the attendance and testi-
10 mony of witnesses and the production of any evidence relat-
11 ing to the matter under review before the Board, or any
12 hearing examiner conducting any hearing authorized by this
13 Act. Any hearing examiner of the Board may administer
14 oaths and affirmations, examine witnesses, and receive evi-
15 dence. Such attendance of witnesses and the production of
16 such evidence may be required from any place in the United
17 States or any Territory or possession thereof, at any design-
18 nated place of hearing.

19 (2) In case of contumacy or refusal to obey a subpena
20 issued to any person, any district court of the United States
21 or the United States courts of any Territory or possession,
22 or the District Court of the United States for the District of
23 Columbia, within the jurisdiction of which the inquiry is
24 carried on or within the jurisdiction of which said person
25 guilty of contumacy or refusal to obey is found or resides or

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1 transacts business, upon application by the Board shall have
2 jurisdiction to issue to such person an order requiring such
3 person to appear before the Board or its hearing examiner,
4 there to produce evidence if so ordered, or there to give
5 testimony touching the matter under review; and any failure
6 to obey such order of the court may be punished by said
7 court as a contempt thereof.

8 (e) (1) Notices, orders, and other process and papers
9 of the Board, or any hearing examiner thereof, shall be
10 served upon the detainee personally and upon his attorney
11 or designated representative. Such process and papers may
12 be served upon the Attorney General or such other officers
13 as may be designated by him for such purpose, and upon
14 any other interested persons either personally or by regis-
15 tered mail or by telegraph or by leaving a copy thereof at
16 the principal office or place of business of the person required
17 to be served. The verified return by the individual so
18 serving the same setting forth the manner of such service
19 shall be proof of the same, and the return post-office receipt
20 or telegraph receipt therefor when registered and mailed or
21 telegraphed as aforesaid shall be proof of service of the
22 same. Witnesses summoned before the Board, or any hearing
23 examiner thereof, shall be paid the same fees and mileage
24 that are paid witnesses in the courts of the United States;
25 and witnesses whose depositions are taken and the persons

1 taking the same shall severally be entitled to the same fees as
2 are paid for like services in the courts of the United States.

3 (2) All process of any court to which application may
4 be made under this Act may be served in the judicial district
5 wherein the person required to be served resides or may be
6 found.

7 (3) The ees varladep

8 (3) The several departments and agencies of the Govern-
9 ment, when directed by the President, shall furnish the
10 Board, upon its request, all records, papers, and information
11 in their possession relating to any matter before the Board.

12 (f) Every detainee shall be afforded full opportunity to
13 be represented by counsel at the preliminary hearing pre-
14 scribed by this Act and in all stages of the detention review
15 proceedings, including the hearing before the Board and
16 any judicial review, and he shall have the right at hearings
17 of the Board to testify and present witnesses on his behalf.

18 (g) In any proceeding before the Board under this
19 Act the Board and its hearing examiners are authorized to
20 consider under regulations designed to protect the national
21 security any evidence of Government agents and officers the
22 full text or content of which cannot be publicly revealed
23 for reasons of national security, but which the Attorney
24 General in his discretion offers to present in a closed session
25 of the Board. The testimony taken by such hearing exam-

1 iners or before the Board shall be reduced to writing and
2 filed with the Board. Thereafter, in its discretion, the
3 Board upon notice may take further testimony or hear
4 argument.

5 (h) In deciding the question of the existence of reason-
6 able ground to believe a person might engage in or conspire
7 with others to engage in espionage or sabotage, the Attor-
8 ney General and the Board of Detention Review are author-
9 ized to consider evidence of the following:

10 (1) that the detainee or possible detainee has
11 knowledge of or has received or given instruction or
12 assignment in the espionage, counterespionage, or sabo-
13 tage service or procedures of a government or political
14 party of a foreign country, or in the espionage, counter-
15 espionage, or sabotage service or procedures of the
16 Communist Party of the United States or of any other
17 organization or political party which seeks to overthrow
18 or destroy by force and violence the Government of
19 the United States or of any of its subdivisions and to
20 substitute therefor a totalitarian dictatorship controlled
21 by a foreign government, unless such knowledge, in-
22 struction, or assignment has been acquired or given by
23 reason of civilian, military, or police service with the
24 United States Government, the governments of the
25 several States, their political subdivisions, the District

1 of Columbia, the Territories, the Canal Zone, or the
2 insular possessions, or unless such knowledge has been
3 acquired solely by reason of academic or personal in-
4 terest not under the supervision of or in preparation
5 for service with the government of a foreign country
6 or a foreign political party, or unless, by reason of
7 employment at any time by the Department of Justice
8 or the Central Intelligence Agency, such person has
9 made full written disclosure of such knowledge or
10 instruction to officials within those agencies, and such
11 disclosure has been made a matter of record in the files
12 of the agency concerned;

13 (2) any past act or acts of espionage or sabotage
14 committed by such person against the United States,
15 any agency or instrumentality thereof, or any public or
16 private national defense facility within the United States,
17 and any investigations made of such person in the past
18 which serve to indicate probable complicity of such per-
19 son in any such acts of espionage or sabotage;

20 (3) activity in the espionage or sabotage operations
21 of, or the holding at any time after January 1, 1949,
22 of membership in, the Communist Party of the United
23 States or any other organization or political party which
24 seeks to overthrow or destroy by force and violence the
25 Government of the United States or of any of its political

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1 subdivisions and the substitution therefor of a totalitarian
2 dictatorship controlled by a foreign government; and

3 (4) any other evidence of conduct of the same de-
4 gree of gravity as that set forth in paragraphs (1)
5 through (3) of this subsection demonstrating reasonable
6 grounds to conclude that such person may engage in,
7 or conspire with others to engage in, espionage or
8 sabotage.

9 (i) In any proceeding involving a claim for the pay-
10 ment of any indemnity pursuant to the provisions of this
11 Act, the Board and its hearing examiners may receive evi-
12 dence having probative value concerning the nature and
13 extent of the income lost by the claimant as a result of his
14 detention.

15 ORDERS OF THE BOARD

16 SEC. 10. (a) If upon all the testimony taken in any
17 proceeding for the review of any order of detention issued
18 by the Attorney General under this Act the Board shall
19 determine that there is not reasonable ground to believe that
20 the detainee in question might engage in, or conspire with
21 others to engage in, espionage or sabotage, the Board shall
22 state its findings of fact and shall issue and serve upon the
23 Attorney General an order revoking his order for detention
24 of the detainee concerned and requiring the Attorney Gen-
25 eral, and any officer designated by him for the supervision

1 or control of the detention of such person, to release such
2 detainee from custody; and shall forthwith serve a copy of
3 such order upon the detainee.

4 (b) If upon all the testimony taken in any proceeding
5 for the review of any such order for detention involving a
6 claim for indemnity pursuant to this Act, or in any other
7 proceeding brought before the Board for the assertion of a
8 claim to such indemnity, the Board shall determine that the
9 claimant is entitled to receive such indemnity, the Board
10 shall state its findings of fact and shall issue and serve upon
11 the Attorney General an order requiring him to pay to such
12 claimant the amount of such indemnity; and shall forthwith
13 serve a copy of such order upon the detainee.

14 (c) If upon all the testimony taken in any proceeding
15 for the review of any such order for detention, the Board
16 shall determine that there is reasonable ground to believe
17 that the detainee may engage in, or conspire with others
18 to engage in, espionage or sabotage, the Board shall state
19 its findings of fact and shall issue and serve upon the detainee
20 an order dismissing the petition and confirming the order
21 of detention.

22 (d) In case the evidence is presented before a hearing
23 examiner such examiner shall issue and cause to be
24 served on the parties to the proceeding a proposed report,
25 together with a recommended order, which shall be filed

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1 with the Board, and if no exceptions are filed within twenty
2 days after service thereof upon such parties, or within such
3 further period as the Board may authorize, such recom-
4 mended order shall become the order of the Board and
5 become effective as therein prescribed.

6 (e) Until a transcript of the record in a case shall have
7 been filed in a court, as hereinafter provided, the Board
8 may at any time, upon reasonable notice and in such man-
9 ner as it shall deem proper, modify or set aside, in whole
10 or in part, any finding or order made or issued by it.

11 **JUDICIAL REVIEW**

12 SEC. 11. (a) Any petitioner aggrieved by an order
13 of the Board denying in whole or in part the relief sought
14 by him, or by the failure or refusal of the Attorney General
15 to obey such order, shall be entitled to the judicial review
16 or judicial enforcement, provided hereinafter in this section,
17 in addition to the relief to which he may be entitled under
18 the Administrative Procedure Act.

19 (b) In the case of any order of the Board granting
20 any indemnity to any petitioner, the Attorney General
21 shall be entitled to the judicial review of such order pro-
22 vided hereinafter in this section.

23 (c) Any party entitled to judicial review or enforce-
24 ment under subsection (a) or (b) of this section shall be

1 entitled to receive such review in the United States court
2 of appeals for the circuit wherein the petitioner is detained
3 or resides by filing in such court within sixty days from the
4 date of service upon the aggrieved party of such order of
5 the Board a written petition praying that such order be
6 modified or set aside or enforced, except that in the case of
7 a petition for the enforcement of a Board order, the petitioner
8 shall have a further period of sixty days after the Board order
9 has become final within which to file the petition herein
10 required. A copy of such petition by any petitioner other
11 than the Attorney General shall be forthwith served upon the
12 Attorney General and upon the Board, and a copy of any such
13 petition filed by the Attorney General shall be forthwith
14 served upon the person with respect to whom relief is sought
15 and upon the Board. The Board shall thereupon file in the
16 court a duly certified transcript of the entire record of the
17 proceedings before the Board with respect to the matter
18 concerning which judicial review is sought, including all
19 evidence upon which the order complained of was entered
20 (except for evidence received in closed session, as authorized
21 by this Act), the findings and order of the Board. In the
22 case of a petition for enforcement, under subsection (a) of
23 this section, the petitioner shall file with his petition a
24 statement under oath setting forth in full the facts and circum-

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1 stances upon which he relies to show the failure or refusal of
2 the Attorney General to obey the order of the Board.
3 Thereupon the court shall have jurisdiction of the proceeding
4 and shall have power to affirm, modify, or set aside, or to
5 enforce or enforce as modified the order of the Board. The
6 findings of the Board as to the facts, if supported by evidence,
7 shall be conclusive.

8 (d) If either party shall apply to the court for leave
9 to adduce additional evidence and shall show to the satis-
10 faction of the court that such additional evidence is material
11 and that there were reasonable grounds for the failure to
12 adduce such evidence in the hearing before the Board or
13 its hearing examiner the court may order such additional
14 evidence to be taken before the Board or its hearing examiner
15 and to be made a part of the transcript. The Board may
16 modify its findings as to the facts, or make new findings,
17 by reason of additional evidence so taken and filed, and it
18 shall file such modified or new findings, which findings with
19 respect to questions of fact if supported by evidence on the
20 record considered as a whole shall be conclusive, and shall
21 file its recommendations, if any, for the modification or
22 setting aside of its original order. The jurisdiction of the
23 court shall be exclusive and its judgment and decree shall
24 be final, except that the same shall be subject to review

1 by the Supreme Court of the United States upon writ of
2 certiorari or certification as provided in title 28, United
3 States Code, section 1254.

4 (e) The commencement of proceedings by the Attorney
5 General for judicial review under this section shall, if he so
6 requests, operate as a stay of the Board's order.

7 (f) Any order of the Board shall become final—

8 (1) upon the expiration of the time allowed for
9 filing a petition for review or enforcement, if no such
10 petition has been duly filed within such time; or

11 (2) upon the expiration of the time allowed for
12 filing a petition for certiorari, if the order of the Board
13 has been affirmed or the petition for review or enforce-
14 ment dismissed by a United States court of appeals,
15 and no petition for certiorari has been duly filed; or

16 (3) upon the denial of a petition for certiorari, if
17 the order of the Board has been affirmed or the petition
18 for review or enforcement dismissed by a United States
19 court of appeals; or

20 (4) upon the expiration of ten days from the date
21 of issuance of the mandate of the Supreme Court, if such
22 Court directs that the order of the Board be affirmed or
23 that the petition for review or enforcement be dismissed.

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1 CRIMINAL PROVISIONS

2 SEC. 12. Whoever, being named in a warrant or order
3 of detention as one as to whom there is reasonable ground
4 to believe that he may engage in, or conspire with others
5 to engage in, espionage or sabotage, or being under deten-
6 tion pursuant to this Act, shall resist or knowingly disregard
7 or evade apprehension pursuant to this Act or shall escape,
8 attempt to escape, or conspire with others to escape from
9 detention ordered and instituted pursuant to this Act, shall
10 be fined not more than \$1,000 or imprisoned not more than
11 one year, or both.

12 SEC. 13. Whoever knowingly—

13 (a) advises, aids, assists, or procures the resistance,
14 disregard, or evasion of apprehension pursuant to this
15 Act by any person named in a warrant or order of deten-
16 tion as one as to whom there is reasonable ground to
17 believe that such person may engage in, or conspire
18 with others to engage in espionage or sabotage; or

19 (b) advises, aids, assists, or procures the escape
20 from detention pursuant to this Act of any person so
21 named; or

22 (c) aids, relieves, transports, harbors, conceals,
23 shelters, protects, or otherwise assists any person so

1 named for the purpose of the evasion of such apprehen-
2 sion by such person or the escape of such person from
3 such detention; or

4 (d) attempts to commit or conspire with any other
5 person to commit any Act punishable under subsections
6 (a), (b), or (c) of this section,

7 shall be fined not more than \$10,000, or imprisoned not
8 more than ten years, or both.

9 SEC. 14. Any person who shall willfully resist, prevent,
10 impede, or interfere with any member of the Board or any
11 of its agents or agencies in the performance of duties pur-
12 suant to this Act shall be punished by a fine of not more
13 than \$5,000 or by imprisonment for not more than one year,
14 or both.

15 SEC. 15. (a) It shall be unlawful for any person know-
16 ingly and with intent to harm the United States to combine,
17 conspire, or agree with any other person to perform any
18 act by force or violence which would substantially contribute
19 to the establishment in lieu of the present Government of
20 the United States of a totalitarian dictatorship the direction
21 and control of which is to be vested in, or exercised by
22 or under the domination or control of, any foreign govern-
23 ment, foreign organization, or foreign individual. For pur-
24 poses of this subsection, the term "totalitarian dictatorship"
25 means a form of government, characterized by (1) the

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1 existence on a national basis of a single political party, with
2 such identity between such party and its policies and the
3 government and governmental policies of the country in
4 which it exists as to render such party and the government
5 itself indistinguishable for all practical purposes, and (2)
6 the forcible suppression of all opposition to such party: *Pro-*
7 *vided, however,* That this section shall not apply to the
8 proposal of a constitutional amendment.

9 (b) It shall be unlawful for any citizen of the United
10 States, knowingly and with intent to harm the United
11 States, to communicate in any manner or by any means, to
12 any other person whom such person first above mentioned
13 knows or has reason to believe to be an agent or representa-
14 tive of any foreign government or an officer or member of
15 any Communist organization as defined in subsection (d)
16 of this section, any information of a kind which shall have
17 been classified by the President (or by the head of any
18 such department or agency with the approval of the Presi-
19 dent) as affecting the security of the United States, unless
20 such person shall have been specially authorized by the
21 President or his duly authorized agent to make such dis-
22 closure of such information.

23 (c) It shall be unlawful for any agent or representa-
24 tive of any foreign government, or any officer or member
25 of any Communist organization as defined in subsection

1 (d) of this section, knowingly and with intent to harm the
2 United States, to obtain or receive, or attempt to obtain
3 or receive, directly or indirectly, from any officer or em-
4 ployee of the United States or of any department or agency
5 thereof, any information of a kind which shall have been
6 classified pursuant to subsection (b) of this section as
7 affecting the security of the United States, unless special
8 authorization for such communication shall first have been
9 obtained from the President or his duly authorized agent
10 having custody of or control over such information.

11 (d) For the purposes of this section—

12 (1) The term “person” means an individual or an
13 organization.

14 (2) The term “organization” means an organization,
15 corporation, company, partnership, association, trust,
16 foundation, or fund; and includes a group of persons,
17 whether or not incorporated, permanently or temporarily
18 associated together for joint action on any subject or
19 subjects.

20 (3) The term “Communist political organization”
21 means any organization in the United States having some,
22 but not necessarily all, of the ordinary and usual character-
23 istics of a political party, which (A) is substantially dom-
24 inated or controlled by the foreign government or foreign
25 governmental or political organization controlling the world

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1 Communist movement referred to in section 2, and (B)
2 operates primarily to advance the objectives of such world
3 Communist movement, as set forth in section 2 of this Act.

4 (4) The term "Communist-front organization" means
5 any organization in the United States (other than a Com-
6 munist political organization and other than a lawfully or-
7 ganized political party which is not a Communist political
8 organization) which (A) is under the control of a Com-
9 munist political organization, or (B) is primarily operated
10 for the purpose of giving aid and support to a Communist
11 political organization, a Communist foreign government, or
12 the world Communist movement referred to in section 2.

13 (5) The term "Communist organization" means a
14 Communist political organization or a Communist-front
15 organization.

16 (6) *Provided, however,* That subsections (b) and (c)
17 shall not apply to information sought, given or received as
18 a result of consultation by and between authorized repre-
19 sentatives of the United States and authorized representatives
20 of nations which are signatories of the Atlantic Pact, diplo-
21 matic representatives or military representatives of nations
22 engaged in a common undertaking with the United States.

23 (e) Any person who violates any provision of this
24 section shall, upon conviction thereof, be punished by a fine
25 of not more than \$10,000, or imprisonment for not more

1 than ten years, or by both such fine and such imprisonment,
2 and shall, moreover, be thereafter ineligible to hold any office,
3 or place of honor, profit, or trust created by the Constitution
4 or laws of the United States.

5 (f) Any person may be prosecuted, tried, and punished
6 for any violation of this section at any time within ten years
7 after the commission of such offense, notwithstanding the
8 provisions of any other statute of limitations.

9 (g) Neither the holding of office nor membership in
10 any Communist organization by any person shall constitute
11 a violation of subsection (a) or subsection (c) of this section.

12 SEC. 16. Whenever the United States Armed Forces
13 are engaged in hostilities in behalf of the United Nations
14 all the laws relating to sabotage, espionage, and sedition
15 shall be in full force and effect in the same manner and to
16 the same extent as if war had been declared by the United
17 States.

18 SEC. 17. Section 793 of title 18 of the United States
19 Code is hereby amended to read as follows:

20 "§ 793. Gathering, transmitting, or losing defense infor-
21 mation

22 "(a) (1) Whoever, for the purpose of obtaining in-
23 formation respecting the national defense with intent or
24 reason to believe that the information is to be used to the
25 injury of the United States, or to the advantage of any

1 foreign nation, goes upon, enters, flies over, or otherwise
2 obtains information concerning any vessel, aircraft, work
3 of defense, navy yard, naval station, submarine base, fueling
4 station, fort, battery, torpedo station, dockyard, canal, rail-
5 road, arsenal, camp, factory, mine, telegraph, telephone,
6 wireless, or signal station, building, air force base, office,
7 or other place connected with the national defense, owned
8 or constructed, or in progress of construction by the United
9 States or under the control of the United States, or of any
10 of its officers, departments or agencies, or within the exclusive
11 jurisdiction of the United States, or any place in which any
12 vessel, aircraft, arms, munitions, or other materials or instru-
13 ments for use in time of war, including items related to
14 nuclear energy, are being made, prepared, repaired, proc-
15 essed, or stored, or are the subject of research and develop-
16 ment under any contract or agreement with the United
17 States, or any department or agency thereof, or with any
18 person on behalf of the United States, or otherwise on behalf
19 of the United States, or any prohibited place so designated
20 by the President by proclamation in time of war or in case
21 of national emergency in which anything for the use of
22 the Army, Navy, or Air Force is being prepared or con-
23 structed or stored, information as to which prohibited place
24 the President has determined would be prejudicial to the
25 national defense; or

1 “(2) Whoever, for the purpose aforesaid, and with like
2 intent or reason to believe, copies, takes, makes, or obtains,
3 or attempts to copy, take, make, or obtain, any sketch,
4 photograph, photographic negative, blueprint, plan, map,
5 model, instrument, appliance, document, matter, writing,
6 or note of anything connected with the national defense; or

7 “(3) Whoever, for the purpose aforesaid, receives or
8 obtains or agrees or attempts to receive or obtain from any
9 person, or from any source whatever, any document, writ-
10 ing, code book, signal book, sketch, photograph, photo-
11 graphic negative, blueprint, plan, map, model, instrument,
12 appliance, matter, or note of anything connected with the
13 national defense, knowing or having reason to believe, at
14 the time he receives or obtains, or agrees or attempts to re-
15 ceive or obtain it, that it has been or will be obtained, taken,
16 made, or disposed of by any person contrary to the pro-
17 visions of this chapter; or

18 “(4) Whoever, lawfully having possession of, access
19 to, control over, or being entrusted with any document,
20 writing, code book, signal book, sketch, photograph, photo-
21 graphic negative, blueprint, plan, map, model, instrument,
22 appliance, matter, or note relating to the national defense,
23 or information relating to the national defense which infor-
24 mation the possessor has reason to believe could be used to
25 the injury of the United States or to the advantage of any

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1 foreign nation, willfully communicates, delivers, transmits,
2 or causes to be communicated, delivered, or transmitted, or
3 attempts to communicate, deliver, transmit, or cause to be
4 communicated, delivered, or transmitted, the same to any
5 person not entitled to receive it, or willfully retains the
6 same and fails to deliver it on demand to the officer or em-
7 ployee of the United States entitled to receive it; or

8 "(5) Whoever having unauthorized possession of,
9 access to, or control over any document, writing, code book,
10 signal book, sketch, photograph, photographic negative,
11 blueprint, plan, map, model, instrument, appliance, matter,
12 or note relating to the national defense, or information re-
13 lating to the national defense which information the pos-
14 sessor has reason to believe could be used to the injury of the
15 United States or to the advantage of any foreign nation,
16 willfully communicates, delivers, transmits, or causes to be
17 communicated, delivered, or transmitted, or attempts to
18 communicate, deliver, transmit, or causes to be communi-
19 cated, delivered, or transmitted, the same to any person
20 not entitled to receive it, or willfully retains the same and
21 fails to deliver it to the officer or employee of the United
22 States entitled to receive it; or

23 "(6) Whoever, being entrusted with or having lawful
24 possession or control of any document, writing, code book,
25 signal book, sketch, photograph, photographic negative,

1 blueprint, plan, map, model, instrument, appliance, note,
2 matter, or information relating to the national defense—

3 “(A) through gross negligence permits the same
4 to be removed from its proper place of custody or de-
5 livered to anyone in violation of his trust, or to be lost,
6 stolen, abstracted, or destroyed; or

7 “(B) having knowledge that the same has been
8 illegally removed from its proper place of custody or
9 delivered to anyone in violation of his trust, or lost, or
10 stolen, abstracted, or destroyed,

11 and fails to make prompt report of such loss, theft, abstrac-
12 tion, or destruction to his superior officer—

13 “Shall be fined not more than \$10,000 or imprisoned
14 not more than ten years, or both.

15 “(b) If two or more persons conspire to violate any
16 of the foregoing provisions of this section, and one or more
17 of such persons do any act to effect the object of the con-
18 spiracy, each of the parties to such conspiracy shall be sub-
19 ject to the punishment provided for the offense which is the
20 object of such conspiracy.

21 “(c) No prosecution shall be brought under this section
22 or under section 792 or 794, except upon the express direc-
23 tion of the Attorney General of the United States.”

24 SEC. 18. (a) The analysis of chapter 213 of title 18,
25 United States Code, immediately preceding section 3281 of

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1 such title, is amended by adding at the end thereof the
2 following new item:

“3291. Espionage and security of defense information.”

3 (b) Chapter 213 of title 18, United States Code, is
4 amended by adding after section 3290 the following new
5 section:

6 “§ 3291. Espionage and security of defense information

7 “An indictment for any violation of section 792, 793,
8 or 794 of this title may be found at any time within ten
9 years next after such violation shall have been committed:

10 *Provided*, That such period of limitation shall not commence
11 to run in regard to any such violation or violations by any
12 officer, agent, or employee of the United States during any
13 period that such individual holds the office, position, employ-
14 ment, or appointment be held at the time such offense was
15 committed: *And provided further*, That nothing contained
16 in this section shall be construed to impose any limitation in
17 the case of offenses punishable by death.”

18 SEC. 19. The Act of June 8, 1938, (52 Stat, 631; 22
19 U. S. C. 611-621), entitled “An Act to require the regis-
20 tration of certain persons employed by agencies to dis-
21 seminate propaganda in the United States, and for other
22 purposes”, as amended, is hereby further amended as follows:

23 (a) Strike out the word “and” at the end of section 1
24 (c) (3), insert the word “and” at the end of section

1 1 (c) (4), and add the following subsection immediately
2 after section 1 (c) (4):

3 “(5) any person who has knowledge of, or has
4 received instruction or assignment in, the espionage,
5 counterespionage, or sabotage service or subversive
6 tactics of a government of a foreign country or a foreign
7 political party, unless such knowledge, instruction, or
8 assignment has been acquired by reason of civilian,
9 military, or police service with the United States Gov-
10 ernment, the governments of the several States, their
11 political subdivisions, the District of Columbia, the
12 Territories, the Canal Zone, or the insular possessions,
13 or unless such knowledge has been acquired solely by
14 reason of academic or personal interest not under the
15 supervision of or in preparation for service with the
16 government of a foreign country or a foreign political
17 party or unless, by reason of employment at any time
18 by the Department of Justice or the Central Intelligence
19 Agency, such person has made full written disclosure
20 of such knowledge or instruction to officials within those
21 agencies, such disclosure has been made a matter of
22 record in the files of the agency concerned, and a written
23 determination has been made by the Attorney General
24 or the Director of Central Intelligence that registration
25 would not be in the interest of national security.”

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1 (b) Add the following subsection immediately after
2 section 8 (d):

3 “(e) Failure to file any such registration statement or
4 supplements thereto as is required by either section 2 (a)
5 or section 2 (b) shall be considered a continuing offense
6 for as long as such failure exists, notwithstanding any statute
7 of limitation or other statute to the contrary.”

8 SEC. 20. (a) The analysis of chapter 67 of title 18,
9 United States Code, immediately preceding section 1381 of
10 such title, is amended by adding at the end thereof the fol-
11 lowing new item:

“1385. Promulgation of security regulations.”

12 (b) Chapter 67, title 18, United States Code, is
13 amended by adding after section 1384 the following new
14 section:

15 “§ 1385. Promulgation of security regulations

16 “(a) Whoever willfully shall violate any such regula-
17 tion or order as, pursuant to lawful authority, shall be or
18 has been promulgated by the Secretary of Defense and ap-
19 proved by the President of the United States for the protec-
20 tion or security or military or naval aircraft, airports, airport
21 facilities, vessels, harbors, ports, piers, water-front facilities,
22 bases, forts, posts, laboratories, stations, vehicles, equip-
23 ment, explosives, or other property or places subject to the
24 jurisdiction, administration, or in the custody of the National

1 Military Establishment, or of any department or agency of
2 which said establishment consists, or of any officer or em-
3 ployee of said establishment, department, or agency, relating
4 to fire hazards, fire protection, lighting, machinery, guard
5 service, disrepair, disuse, or other unsatisfactory conditions
6 thereon, or the ingress thereto, or egress or removal of per-
7 sons therefrom, or otherwise providing for safeguarding the
8 same against destruction, loss, or injury by accident, or by
9 enemy action, sabotage, or other subversive actions, shall
10 be guilty of a misdemeanor and upon conviction thereof shall
11 be liable to a fine of not to exceed \$5,000 or to imprison-
12 ment for not more than one year or both.

13 "(b) Every such regulation or order shall be posted in
14 conspicuous or appropriate places.

15 "(c) In time of war, or national emergency as pro-
16 claimed by the President, the provisions of this section may
17 be extended by Presidential proclamation to include such
18 property and places as the President may therein designate
19 in the interest of national security."

20 SEC. 21. Section 20 of the Immigration Act of February
21 5, 1917, as amended (39 Stat. 890; 57 Stat. 553; 8 U. S. C.
22 156), is hereby amended to read as follows:

23 "SEC. 20. (a) That the deportation of aliens provided
24 for in this Act and all other immigration laws of the United
25 States shall be directed by the Attorney General to the

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1 country specified by the alien, if it is willing to accept him
2 into its territory; otherwise such deportation shall be directed
3 by the Attorney General within his discretion and without
4 priority of preference because of their order as herein set
5 forth, either to the country from which such alien last entered
6 the United States; or to the country in which is located the
7 foreign port at which such alien embarked for the United
8 States or for foreign contiguous territory; or to any country
9 in which he resided prior to entering the country from which
10 he entered the United States; or to the country which had
11 sovereignty over the birthplace of the alien at the time of
12 his birth; or to any country of which such an alien is a
13 subject, national, or citizen; or to the country in which he
14 was born; or to the country in which the place of his birth
15 is situated at the time he is ordered deported; or, if deporta-
16 tion to any of the said foregoing places or countries is im-
17 practicable, inadvisable, or impossible, then to any country
18 which is willing to accept such alien into its territory. If
19 the United States is at war and the deportation, in accordance
20 with the preceding provisions of this section, of any alien
21 who is deportable under any law of the United States, shall
22 be found by the Attorney General to be impracticable or
23 inconvenient because of enemy occupation of the country
24 when such alien came or wherein is located the foreign
25 port at which he embarked for the United States or because

1 of other reasons connected with the war, such alien may,
2 at the option of the Attorney General, be deported (1) if
3 such alien is a citizen or subject of a country whose recog-
4 nized government is in exile, to the country wherein is lo-
5 cated that government in exile, if that country will permit
6 him to enter its territory; or (2) if such alien is a citizen
7 or subject of a country whose recognized government is not
8 in exile, then, to a country or any political or territorial
9 subdivision thereof which is proximate to the country of
10 which the alien is a citizen or subject, or, with the consent
11 of the country of which the alien is a citizen or subject, to
12 any other country. No alien shall be deported under any
13 provision of this Act to any country in which the Attorney
14 General shall find that such alien would be subjected to
15 physical persecution. If deportation proceedings are insti-
16 tuted at any time within five years after the entry of the
17 alien, such deportation, including one-half of the entire cost
18 of removal to the port of deportation, shall be at the expense
19 of the contractor, procurer, or other person by whom the
20 alien was unlawfully induced to enter the United States, or,
21 if that cannot be done, then the cost of removal to the port
22 of deportation shall be at the expense of the appropriation
23 for the enforcement of this Act, and the deportation from
24 such port shall be at the expense of the owner or owners of
25 such vessels or transportation lines by which such aliens

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1 respectively came, or, if that is not practicable, at the ex-
2 pense of the appropriation for the enforcement of this Act.
3 If deportation proceedings are instituted later than five years
4 after the entry of the alien, or, if the deportation is made by
5 reason of causes arising subsequent to entry, the cost thereof
6 shall be payable from the appropriation for the enforcement
7 of this Act. A failure or refusal on the part of the masters,
8 agents, owners, or consignees of vessels to comply with the
9 order of the Attorney General to take on board, guard safely,
10 and transport to the destination specified any alien ordered
11 to be deported under the provisions of this Act shall be
12 punished by the imposition of the penalties prescribed in
13 section eighteen of this Act: *Provided*, That when in the
14 opinion of the Attorney General the mental or physical con-
15 diton of such alien is such as to require personal care and
16 attendance, the said Attorney General shall when necessary
17 employ a suitable person for that purpose, who shall accom-
18 pany such alien to his or her final destination, and the ex-
19 pense incident to such service shall be defrayed in the same
20 manner as the expense of deporting the accompanied alien is
21 defrayed. Pending final determination of the deportability
22 of any alien taken into custody under warrant of the At-
23 torney General, such alien may, in the discretion of the
24 Attorney General (1) be continued in custody; or (2) be
25 released under bond in the amount of not less than \$500,

1 with security approved by the Attorney General; or (3)
2 be released on conditional parole. It shall be among the
3 conditions of any such bond, or of the terms of release on
4 parole, that the alien shall be produced, or will produce him-
5 self, when required to do so for the purpose of defending
6 himself against the charge or charges under which he was
7 taken into custody and any other charges which subse-
8 quently are lodged against him, and for deportation if an
9 order for his deportation has been made. When such an
10 order of deportation has been made against any alien, the
11 Attorney General shall have a period of six months from
12 the date of such order within which to effect the alien's
13 departure from the United States, during which period, at
14 the Attorney General's discretion, the alien may be detained,
15 released on conditional parole, or upon bond in an amount
16 and specifying such conditions for surrender of the alien to
17 the Immigration and Naturalization Service as may be de-
18 termined by the Attorney General. If deportation has not
19 been practicable, advisable, or possible, or departure of the
20 alien from the United States has not been effected, within
21 six months from the date of the order of deportation the
22 alien shall become subject to such further supervision as is
23 authorized hereinafter in this section.

24 "(b) Any alien, against whom an order of deportation,
25 heretofore or hereafter issued, has been outstanding for more

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1 than six months shall be subject to supervision under regu-
2 lations prescribed by the Attorney General. Such regula-
3 tions shall require any alien subject to supervision (1) to
4 appear from time to time before an officer designated by the
5 Attorney General for identification; (2) to submit, if di-
6 rected by such designated officer, to medical and psychiatric
7 examination at the expense of the United States; (3)
8 to give to such designated officer information under oath
9 as to his nationality, circumstances, habits, associations, and
10 activities, and such other information whether or not related
11 to the foregoing as the Attorney General may deem fit and
12 proper; and (4) to conform to such reasonable written re-
13 strictions on his conduct or activities as are prescribed by the
14 Attorney General in his case. Such regulations shall also
15 require that any alien subject to supervision shall be denied
16 access to any area designated by the Attorney General, if
17 in the opinion of the Attorney General the presence of such
18 alien in such area would endanger the national security.

19 “(c) Any alien who willfully fails or refuses to comply,
20 and any person who counsels, aids, advises, abets, or encour-
21 ages any alien not to comply, with any requirement imposed
22 by or pursuant to subsection (b) of this section shall be fined
23 not more than \$10,000 or imprisoned not more than five
24 years, or both: *Provided*, That the alien may be released
25 from such imprisonment by the Attorney General if the

1 alien's deportation can be immediately effected at any time
2 during the term of his imprisonment.

3 "(d) If any alien subject to supervision under sub-
4 section (b) of this section is able to depart from the United
5 States, except that he is financially unable to pay his passage,
6 the expense of such passage to the country to which he is
7 destined may be paid from the appropriation for the enforce-
8 ment of this Act, unless such payment is otherwise provided
9 for under this Act."

10 SEC. 22. If any provision of this Act or the application
11 of such provision to any circumstance shall be held invalid,
12 the validity of the remainder of this Act and the application
13 of such provision to other circumstances shall not be affected
14 thereby.

15 SEC. 23. The chairmen of the Judiciary Committees of
16 the Senate and of the House of Representatives shall estab-
17 lish subcommittees of their respective committees to carry
18 out in respect to the operation of this Act the duties imposed
19 on their committees by the Legislative Reorganization Act
20 of 1946.

21 SEC. 23. The Attorney General, after advising with
22 the Director of the Federal Bureau of Investigation shall
23 report to the Congress action taken under this Act at least
24 once every six months. Said reports shall also contain any
25 recommendation for amendments of this or other Acts re-

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1 quired, to the Attorney General, after advising with the
2 Director of the Federal Bureau of Investigation shall also
3 report, not later than six months after the enactment of this
4 Act, whether or not in his judgment an Act to require the
5 registration with the Attorney General of Communist po-
6 litical organizations and their members and Communist-
7 front organizations and their members would further protect
8 the internal security of the United States.

9 **DEFINITION**

10 SEC. 24. For the purposes of this title, the term
11 "espionage" means any violation of sections 791 through
12 797 of title 18 of the United States Code, as amended by
13 this Act, and the term "sabotage" means any violation of
14 sections 2151 through 2156 of title 18 of the United States
15 Code, as amended by this Act.

16 **SEPARABILITY OF PROVISIONS**

17 SEC. 25. If any provision of this title, or the applica-
18 tion thereof to any person or circumstance, is held invalid,
19 the remaining provisions of this title, or the application of
20 such provision to other persons or circumstances, shall not
21 be affected thereby. Nothing contained in this title shall
22 abridge any right or privilege of any citizen of the United
23 States guaranteed to him by the fifth or sixth amendment
24 to the Constitution of the United States, or the right of any
25 such citizen to petition for and to receive a writ of habeas

1 corpus unless such right has been duly suspended in con-
2 formity with the provisions of the Constitution.

3 TERMINATION

4 SEC. 26. Unless continued in effect longer by joint
5 resolution of the Congress, the provisions of this title shall
6 cease to be effective on a date three years after the date of
7 enactment of this title, but the termination of this title shall
8 not affect any criminal prosecution theretofore instituted or
9 any conviction theretofore obtained on the basis of any
10 act or omission occurring prior to such date of termination.

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81st CONGRESS
2d SESSION **S. 4163**

A BILL

To protect the internal security of the United States against certain un-American and subversive activities and to provide for the emergency detention of persons who may commit acts of espionage and sabotage, and for other purposes.

By Mr. KEFAUVER

SEPTEMBER 18 (legislative day, JULY 20), 1950
Read twice and referred to the Committee on the
Judiciary